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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,082	06/15/2001	Alan P. Cavallerano	PHA 23,534A	1510

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EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,082

Applicant(s)

CAVALLERANO ET AL.

Examiner

Wesner Sajous

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7, 11, 12, 14-18, 21 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 13-15, 22, 24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**REMARKS**

This communication is responsive to the "After Final" response date March 14, 2003. Claims 1-18, 21-24, and 26-27 are presented for examination.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection. It is noted that this new ground of rejections obviates the Final Action sets forth in the previous action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 8-10, 13, 22, 24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Berger (6473128).

Considering claim 1, Berger discloses a device (12, fig. 1) for receiving a video and/or audio signal (e.g., *a television signal and information signal, see abstract or television program information, see col. 8, lines 50-51*) comprises an input (14/15 or 17/15, *see col. 7, lines 10-20 or col. 8, lines 18-26*) that receives the video and/or audio signal; and a user interface (15 or 16, *see col. 7, lines 10-12*) that receives a user input (via keyboard 31) identifying an event (e.g., *teletext information TI or program information FPI of signal I*) to be detected; a detector (33 or 34) that analyzes the incoming video and/or audio signal (e.g., *a television signal and information signal, see abstract or television program information, see col. 8, lines 50-51*) of at least one program (e.g., *information signals I of television signals F which contain programs, see col. 6, lines 8-25*) to detect the identified event (*text information or program information FPI*) in the program (*see col. 8, line 34 to col. 9, lines 18*)); and a selector (36 of fig. 1) for automatically, upon detection of the identified event, providing to a display (4 of fig. 1, *see col. 5, line 66 to col. 6, line 5*) the program containing the event. See abstract.

Re claim 2, Berger inherently discloses a PIP device (3 of fig. 1, *note that the television set 3 can characterizes a PIP device since it forms an on-screen-display 5, see col. 5, line 65 to col. 6, line 5*) that automatically displays in a PIP (5 of fig. 1) the program having the detected event.

Re claim 4, Berger, at fig. 1, discloses a text recognition device (12) that scans the video information for text, and the user interface (15 and 16) includes a device (17), which enables the user to enter as the event (via keyboard 31) to be detected specific text. See col. 26, lines 21-25.

Method claim 8 recites features substantially the same as device claim 1, and is similarly rejected.

Re claim 9, Berger, at fig. 1, inherently discloses providing to a PIP display (5) the program containing the event (*the television signals containing the program, see abstract*).

Claim 10 is rejected for reason similar to claim 4.

Claim 13 is a computer-executable process included on a computer-readable medium performing the method of claim 8 or 1, it is rejected for the same reason as claim 8 or claim 1.

As per claim 22, Berger discloses the first receiving step to receive video signal (12); the decoding step (17) to decode the video signal; the second receiving step (15 or 16, see col. 7, lines 10-12) to receive an input from a user input (e.g., via keyboard 31) defining text to be detected in at a program of the video signal (e.g., signal information I); a detecting step (33 or 34) to detect, using [inherent] text recognition steps (33 and 34), the user defined text (e.g., title, see abstract) in the at least one program (e.g., *information signals I of television signals F which contain programs, see col. 6, lines 8-25*) of the video signal (*see col. 8, line 34 to col. 9, lines 18*)); and a providing step (3) to provide to a display (4 of fig. 1, see col. 5, line 66 to col. 6, line 5) the program having the detected text (see abstract).

The invention of claim 24, including the processor and memory (9, see fig. 1, item 9, and col. 6, line 53 to col. 7, line 1), although slightly different it recites features equivalent to claim 13, and is rejected by the same rationale as claim 13.

Apparatus claim 27 recites features that substantially performing the same method as device claim 24, and is similarly rejected, for the detected event can be outputted as text.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 14-15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger in view of Wang (5832181).

Considering claim 3, Berger discloses all claimed features of the invention as applied for the claim 1 rejection above; except for the claimed—user input of audio data and the speech-recognition device analyzing the audio signal.

However, Wang discloses the input of audio data (see fig. 1, item 1) and the speech-recognition device analyzing the audio signal (see figs. 1-2, item 3). See col. 2, line 63 to col. 3, line 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Berger with Wang; in order

to provide a speech-recognition system that identifies utterances of human speech.

See Wang col. 2, lines 64-66.

The invention of claim 14 recites features equivalent to and performing the same functions as claim 3, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 3.

Re claim 15, Berger, at fig. 1, discloses a text recognition device (12) that scans the video information for text, and the user interface (15 and 16) includes a device (17), which enables the user to enter as the event (via keyboard 31) to be detected specific text. See col. 26, lines 21-25.

The invention of claim 26, although slightly different it recites features equivalent to claim 14, and is rejected by the same rationale as claim 14.

### ***Allowable Subject Matter***

6. Claims 5-7, 11-12, 14-18, 21, 23 are allowed because the prior art of record fails to suggest a method and apparatus for detecting audio and video events from at least one program and using a speech recognition device, a text recognition device, and a shape detector device analyzing MPEG-4 video information in the form of DCT coefficient patterns, and a delay step to delay the program having detected text so that display of the program captures the text.

### ***Conclusion***

7. **Any response to this action should be mailed to :**  
**Box**

Art Unit: 2676

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

**(703) 872-9314, (for Technology Center 2600 only)**

**Or:**

(703) 308-5399 (for informal or draft communications, please label "PROPOSED" or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

  
3/27/2003